

1 AN ACT

2 relating to the creation of the criminal offense of unlawful
3 electronic transmission of sexually explicit visual material.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 21, Penal Code, is amended by adding
6 Section 21.19 to read as follows:

7 Sec. 21.19. UNLAWFUL ELECTRONIC TRANSMISSION OF SEXUALLY
8 EXPLICIT VISUAL MATERIAL. (a) In this section, "intimate parts,"
9 "sexual conduct," and "visual material" have the meanings assigned
10 by Section 21.16.

11 (b) A person commits an offense if the person knowingly
12 transmits by electronic means visual material that:

13 (1) depicts:

14 (A) any person engaging in sexual conduct or with
15 the person's intimate parts exposed; or

16 (B) covered genitals of a male person that are in
17 a discernibly turgid state; and

18 (2) is not sent at the request of or with the express
19 consent of the recipient.

20 (c) An offense under this section is a Class C misdemeanor.

21 (d) If conduct that constitutes an offense under this
22 section also constitutes an offense under any other law, the actor
23 may be prosecuted under this section or the other law.

24 SECTION 2. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 2789 was passed by the House on April 25, 2019, by the following vote: Yeas 122, Nays 12, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2789 was passed by the Senate on May 21, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor